

Request for Reconsideration:

By this Amendment, Applicants are now amending claim 13, 18, 19, and 35, and canceling claims 20 and 21. Thus, claims 13-19, 22, and 35 currently are pending in the application. No new matter is introduced by these amendments, and the amendments are fully supported by the specification, as originally filed. Applicants respectfully request that the Examiner enter these amendments and reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

Remarks:

1. Rejections.

Claims 18 and 19 stand rejected under 35 U.S.C. § 112, ¶2, as allegedly being indefinite. Claims 13-19 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by PCT Publication No. WO 00/24339 to Berreklouw. Claim 35 stands rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 6,074,416 to Berg *et al.* (“Berg”). In addition, claim 22 stands rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious by Berreklouw. Applicants respectfully traverse.

1. Indefiniteness Rejections

The Office Action rejects claims 18 and 19 as allegedly being indefinite because the claims lacked antecedent basis for the limitation: “said first tissue clamp.” Applicants are amending claim 18 to depend from claim 16, which recites “a first tissue clamp,” and are amending claim 19 to depend from claim 17, which recites “a second tissue clamp.” Accordingly, Applicants respectfully request that the Examiner withdraw the indefinite rejections of claims 18 and 19.

2. Anticipation Rejections

As noted above, the Office Action rejects independent claim 13 and dependent claims 14-19 as allegedly being anticipated by Berreklouw, and rejects independent claim 35 as allegedly being anticipated by Berg. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . ‘The identical invention must be shown in as complete detail as is contained in the . . . claim.’” MPEP 2131 (citations omitted). Thus, the Office Action contends that Berreklouw

discloses each and every element of claims 13 and 14-19 and that Berg discloses each and every element of claim 35. Applicants respectfully traverse.

a. Claim 13

Claim 13 stands rejected as allegedly anticipated by Berreklouw. Claim 13, as amended, recites, for example, the step of “connecting said first coupler and said second coupler, thereby spacing a first flange of said first coupler from said first conduit and spacing a second flange of said second coupler from said second conduit.” Applicants respectfully submit that Berreklouw fails to disclose at least this element of amended, independent claim 13.

Berreklouw discloses a STS (side-to-side) anastomotic device consisting of two tubular bodies, each of which having an inner and outer flange. See, e.g., Berreklouw, Page 33, Lines 6-8; Fig. 16. The two flanges can be joined via a rib 206 and recess 207 disposed on opposing flange surfaces. The flanges are secured together further by a U-shaped clamping piece 208. Id. at 33, Lines 16-22. Nevertheless, outer flanges 205 that engage clamping piece 208 are in direct contact with an outer wall of the respective conduits. Thus, Berreklouw fails to disclose at least the step of “connecting said first coupler and said second coupler, thereby spacing a first flange of said first coupler from said first conduit and spacing a second flange of said second coupler from said second conduit,” as described in amended claim 13.

Accordingly, Berreklouw fails to disclose each and every limitation of independent claim 13, as amended. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claim 13.

b. Claims 14-19

Claims 14-19 depend, either directly or indirectly, from independent claim 13, as amended, and, thus, incorporate all of the elements of allowable claim 13. Therefore, Applicants

respectfully request that the Examiner withdraw the anticipation rejections of dependent claims 14-19.

c. Claim 35

Claims 35 stands rejected as allegedly anticipated by Berg. Claim 35, as amended, recites, for example, the step of “releasing said tissue clamp, so that said tissue clamp conforms to said fixed saddle.” Applicants respectfully submit that Berg fails to disclose at least this element of amended, independent claim 35.

Berg states that prior to installation, graft 30 is loaded into sheath 68, thereby compressing wires 40 and 44 of connectors 34, so that they are “radially inward and out of the way.” Berg, Col. 6, Lines 4-13; Fig. 10a. After an end of graft 30 is inserted into organ tubing wall 66, sheath 68 is pulled back to release wires 40, which radially expand in the direction shown by arrows 74. Id., Col. 6, Lines 14-20; **Fig. 10b**. As sheath 68 is pulled further back, wires 44 are released and expand radially in the direction shown by arrows 76. Id., Col. 6, Lines 21-26; **Fig. 10c**. Expanded wires 40 and 44 hold sheath 30 in place. Berg, however, fails to disclose releasing wires, so that they conform to a fixed saddle, as both wires 40 and 44 are deformable to be inserted into sheath 68. Therefore, Berg fails to disclose “releasing said tissue clamp, so that said tissue clamp conforms to said fixed saddle.”

Accordingly, Berg fails to disclose each and every limitation of independent claim 35, as amended. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claim 35.

3. Obviousness Rejection

Claim 22 depends from allowable, independent claim 13. MPEP 2143.03 states that “[i]f an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending

therefrom is nonobvious.” Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claim 22.

Conclusion:

Applicants maintain that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicants’ representative, Applicants would welcome the opportunity to do so.

Applicants believe that no fees, other than the fee for a one-month extension of time, are due as a result of the submission of this Responsive Amendment. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the PTO, please charge or credit any such variance to the undersigned’s **Deposit Account No. 02-0375**.

Respectfully submitted,
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